

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, ET AL.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF INTERVENOR

v.

CIVIL ACTION NO. 4:65-cv-01300-HTW-LGI

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, ET AL.**

DEFENDANTS

**ORDER PRELIMINARILY APPROVING SETTLEMENT PURSUANT TO FED. R.
CIV. P. 23(E) AND REQUIRING NOTICE TO THE PLAINTIFF CLASS**

The Private Plaintiffs John Barnhardt, et al. and Defendants Meridian Public School District, et al. have jointly moved for preliminary approval by this Court of their proposed Settlement Agreement that would terminate this desegregation action. The Settlement Agreement and supporting materials have been submitted to the Court along with the Joint Motion. *See* [ECF 158].

The Court is of the opinion that the settlement embodied in the materials filed with the Joint Motion should be, and is hereby preliminarily, approved, subject to consideration of any objections that may be made by members of the plaintiff class.

Counsel for the parties have conferred and agreed upon the setting and procedures for the unitary status hearing, for the publication of notice of the hearing, and for public objection and comment.

IT IS, THEREFORE, ORDERED:

1. That the Court grants preliminary approval of Private Plaintiffs and Defendants' settlement of this case, embodied in the Settlement Agreement filed on August 9, 2019, at ECF 158-1.
2. That the Court authorizes publication of the Proposed Settlement and Hearing on Fairness of Settlement and Unitary Status ("Notice"), which notifies the public, including the plaintiff class, that a fairness hearing will be held in this matter. A copy of which is attached to this Agreed Order as Exhibit "A."
3. That the Meridian Public School District is directed to publish the Notice three times in the general news section and in the legal notice section of the *Meridian Star* and the *Clarion-Ledger*. Pursuant to the Notice, any objections or comments must be in writing and must be mailed to the Court and postmarked on or before September 1, 2023. The District shall also post the Notice in the Office of the District's Superintendent and in each school in the District from August 14, 2023, through September 1, 2023. The Court finds that this Notice and its publication are sufficient to satisfy due process requirements under these circumstances.
4. The Court shall hold a fairness hearing for the purpose of (1) considering any timely filed comments on or objections to the proposed settlement by members of the plaintiff class or other members of the community, if there are any such objections, comments, or requests to appear at the hearing, and (2) determining whether the District has attained unitary status. The hearing shall take place on September 12, 2023, at 9:30 a.m. at the United States Federal Courthouse, 501 E. Court Street, Jackson, Mississippi 39201. The Court will consider the objections and comments of the public that are received by the

Court and are timely postmarked. The Court may hear from persons who appear at the hearing who have submitted an Objection or Comment form pursuant to the Notice. A copy of the Objection or Comment Form is attached as Exhibit “B” to this Agreed Order. The Court will make available for counsel for the parties copies of all timely submitted objections and comments as they come in.

5. The deadline for written comments about and/or objections to the Settlement Agreement is September 1, 2023.
6. On September 1, 2023, counsel for the parties shall exchange a list of witnesses who may be called to testify at the hearing and a list of all exhibits that they intend to offer as evidence at the hearing.
7. Parties to the settlement will submit a joint motion for final approval, including a proposed final approval order by September 8, 2023.
8. If necessary, any post-hearing briefing responding to public comments and objections to be filed by October 20, 2023.

SO ORDERED this the 4th day of August, 2023.

/s/HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

Agreed to by:

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/s/ John Cusick

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